

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

JEFFREY D. GOSSEN, ET AL

CIVIL ACTION NO. 11-00666

VERSUS

JUDGE DOHERTY

**NAVIGATORS INSURANCE
COMPANY, ET AL**

MAGISTRATE JUDGE HANNA

AMENDED REPORT AND RECOMMENDATION

Before the undersigned for report and recommendation is Defendants' Motion to Dismiss or Alternatively Transfer for Improper Venue, Motion to Dismiss for Lack of Personal Jurisdiction, and Motion to Dismiss for Failure to State a Claim (Rec. Doc. 6). The undersigned has received notice that plaintiffs do not oppose defendants' request to transfer the case to the United States District Court for the Southern District of Florida and defendants agree that transfer is appropriate.

After review of the motion and relief requested, the undersigned finds the request to transfer supported by the facts and law. Therefore,

IT IS RECOMMENDED that Defendants' Motion to Dismiss or Alternatively Transfer for Improper Venue, Motion to Dismiss for Lack of Personal Jurisdiction, and Motion to Dismiss for Failure to State a Claim (Rec. Doc. 6) be **GRANTED IN PART AND DENIED IN PART** as follows:

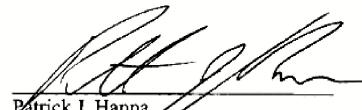
- 1) this matter be transferred to the United States District Court for the Southern District of Florida;

2) the remaining requests for relief be **DENIED WITHOUT PREJUDICE.**

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen (14) days after being served with a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Lafayette, Louisiana, this 22nd day of June, 2011.



Patrick J. Hanna
United States Magistrate Judge
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